

**Notice of Allowability**

Application No.

10/747,938

Examiner

Mujtaba K. Chaudry

Applicant(s)

SCHMISSEUR, MARK A.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/24/2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 8/8/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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### **DETAILED ACTION**

Applicant's response was received August 24, 2006. Election to claims 1-20 is acknowledged and hereby considered on the merits.

#### ***Information Disclosure Statement***

The references listed in the information disclosure statements (IDS) submitted on December 5, 2005 and August 8, 2006 have been considered. The submission is in compliance with the provisions of 37 CFR 1.97.

#### ***Oath/Declaration***

The Oath filed June 18, 2004 complies with all the requirements set forth in MPEP 602 and therefore is accepted.

#### ***Drawings***

The drawings filed August 8, 2006 are accepted.

#### ***Specification***

The specification filed December 29, 2003 is accepted.

**REASONS FOR ALLOWANCE**

Claims 1-20 are allowed. The following is an Examiner's statement of reasons for allowance:

Independent claim 1 of the present application teaches a method of modifying old data, comprising: transferring to a logic engine, new data in a first transfer operation, old data in a second transfer operation; old first parity data in a third transfer operation and old second parity data in a fourth transfer operation; generating in said logic engine a new first parity data using said new data transferred to said logic engine in said first transfer operation, said old data transferred to said logic engine in said second transfer operation, and said old first parity data transferred to said logic engine in said third transfer; and generating in said logic engine a new second parity data using said new data transferred to said logic engine in said first transfer operation, said old data transferred to said logic engine in said second transfer operation, and said old second parity data transferred to said logic engine in said fourth transfer operation. The foregoing limitations are not found in the prior arts of record. Particularly, none of the prior arts of record teach or fairly suggest, "...generating in said logic engine a new first parity data using said new data transferred to said logic engine in said first transfer operation, said old data transferred to said logic engine in said second transfer operation, and said old first parity data transferred to said logic engine in said third transfer; and *generating in said logic engine a new second parity data using said new data transferred to said logic engine in said first transfer operation, said old data transferred to said logic engine in said second transfer operation, and said old second parity data transferred to said logic engine in said fourth transfer operation.*"


Independent claim 11 includes similar limitations of independent claim 1 and therefore is allowed for similar reasons.


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Dependent claims 2-9 and 12-20 depend from allowable independent claims and inherently include limitations therein and therefore are allowed as well.

Any inquiries concerning this communication should be directed to the examiner, Mujtaba Chaudry who may be reached at 571-272-3817. The examiner may normally be reached Mon – Thur 6:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Albert DeCady at 571-272-3819.

  
Mujtaba Chaudry  
Art Unit 2133  
October 12, 2006

  
ALBERT DECADY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100